

Application Serial No.: 10/ 749,097  
Amendment Dated January 23, 2006  
Responsive to Office Action Mailed November 29, 2005

### **REMARKS**

This Amendment is being filed in response to an Office Action dated November 29, 2005. Claims 1-16 are pending in this application and stand rejected. Of these, claims 1 and 13-16 are independent. By this Amendment, claims 1-3 and 13-16 have been amended without prejudice solely in order to better clarify the invention and not to limit or narrow the scope of these claims in any way. No new matter has been added. Applicant respectfully requests reconsideration in light of the amendments and the arguments set forth herein and maintains that this application is in condition for allowance.

#### **The Invention as Claimed**

Prior to addressing the rejections set forth in the Office Action, Applicants take this opportunity to set forth the following brief remarks in connection with their invention, which is directed to a nipple insert suitable for dispensing liquid from a feed bottle. The nipple insert preferably can be inserted into the sipper tube aperture of a bottle cap, more preferably forming a seal with the bottle cap, thereby preventing the liquid from leaking. An embodiment of the invention includes a curved insertion portion connected to a nipple flange, which is connected to a nipple extension. The nipple extension includes a nipple extension face having a feed hole via which an animal can drink the liquid.

As recited by the claims as amended herein, the instance between the nipple flange and the feed hole is less than the diameter of the insertion portion. Therefore, an embodiment of the invention provides a relatively shallow nipple extension, thereby facilitating cleaning of the nipple insert. As discussed in the specification as originally filed, a drawback of

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sipper tubes was the difficulty in cleaning the sipper tube because of its long and narrow shape. Therefore, the sipper tubes are commonly removed from the bottle cap prior to cleaning and/or autoclaving, impeding the cleaning process. An embodiment of the invention as recited in claims 1-16 eliminates this shortcoming by providing a nipple insert having a relatively shallow nipple extension and therefore facilitates cleaning of the nipple insert.

**Rejection Under 35 U.S.C. §102(b) over Pugh**

In the Office Action, claims 1-4, 7, 9-11, 13-16 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,921,418 to Pugh (Pugh). Applicant respectfully submits that Pugh fails to teach or suggest the claims as amended herein, more specifically, a nipple insert having an insertion portion having a diameter greater than the distance between the nipple flange and the feed hole.

Applicant respectfully submits that Pugh is directed to a valve cap for a bottle which allows the bottle to receive injection of gaseous pressure so that the walls of the plastic bottles become firm and rigid, thereby maximizing the bottle's flotation potential for use as buoys, rafts, etc. The cap includes a long pliable insert having an air passageway for receiving an air needle, the cap further including an elongated nipple. Once the air needle is removed, the insert returns to its normal shape, closing off the air passageway to prevent the leakage of air out from the bottle. Applicant respectfully submits that the nipple of Pugh is fundamentally different from the nipple insert of the invention at least because Pugh's function is to prevent air from leaking out of the bottle, whereas the nipple insert of the invention provides the passage of liquid through a feed hole.

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As discussed above, Pugh faces at least one shortcoming that the invention addresses, namely, the difficulty in cleaning the nipple because of its elongated shape. As recited in the independent claims as amended herein, the distance between the nipple flange and the feed hole is less than the diameter of the insertion portion, thereby providing a relatively shallow nipple extension. This facilitates cleaning the nipple and bottle cap and substantially eliminates the need for removing the nipple from the bottle cap prior to cleaning. Pugh, in contrast, is long and narrow, and the air passageway is also long and narrow. This elongated shape is desired in Pugh because it allows the nipple to be pulled through the hole in the cap. Therefore, it would not have been obvious to modify Pugh to obtain the invention as claimed. Rather, Pugh teaches away from such a modification.

Furthermore, because Pugh is directed to receiving an air needle and providing walls that collapse inward when the air needle is removed, it would not have been obvious to alter the dimensions in order to obtain the invention as claimed. Rather, because Pugh is directed to introducing air into a spent bottle, Pugh is not concerned with cleaning the valve cap, and therefore, there would not have been motivation to modify Pugh to obtain the invention as claimed. Accordingly, Applicant respectfully maintains that independent claims 1 and 13-16, and the claims depending therefrom are patentable over Pugh. In the interest of brevity, the dependent claims will not be addressed individually herein.

#### **Rejection Under 35 U.S.C. §102(b) over Garhart**

In the Office Action, claims 1-7, 9, 10, 12 and 13 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,731,816 to Garhart (Garhart). Applicant

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respectfully submits that Garhart fails to teach or suggest the claims as amended herein, more specifically, a nipple insert having an insertion portion having a diameter greater than the distance between the nipple flange and the feed hole. Applicant respectfully submits that Garhart is directed to a bottle plug having a tube fitted into an opening in the plug, which provides discharge of liquid from within the bottle when the bottle is shaken. Therefore, Garhart, which teaches the use of an elongated tube, as illustrated in FIGS. 1 and 4, does not teach or suggest the invention as claimed. Accordingly, Applicant respectfully maintains that independent claims 1 and 13 and the claims depending therefrom are patentable over Garhart. In the interest of brevity, the dependent claims will not be addressed individually herein.

**Rejection Under 35 U.S.C. §103(a) over Garhart**

In the Office Action, dependent claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Garhart. Applicant respectfully submits that at least for the foregoing reasons, Garhart fails to teach or suggest the invention as recited in claim 8.

**Rejection Under 35 U.S.C. §112, second paragraph**

In the Office Action, claims 14 and 16 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite, more specifically, because "the sipper tube hole" lacks antecedent basis. By this amendment, claims 14 and 16 were amended to address this issue and accordingly, Applicant respectfully request withdrawal of the rejection.

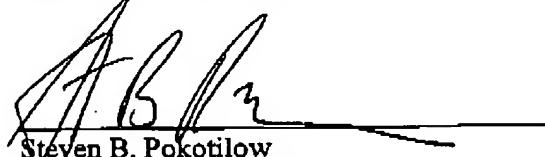
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### CONCLUSION

No fee is believed to be due with the filing of this Amendment. Nevertheless, should the Commissioner deem any such fee(s) to be now or hereafter due in connection with this application, authority is given to charge all such fees to Deposit Account No. 19-4709.

Applicant respectfully submits that this application is in condition for allowance. Early and favorable action is earnestly solicited. In the event that there are any questions, or should additional information be required, please do not hesitate to contact applicant's attorney at the number listed below.

Respectfully submitted,



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